

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

Kristopher Gonzalez,

Plaintiff,

v.

Scott Edwards, *et. al.*,

Defendants.

Case No. 3:22-cv-00172-MMD-CSD

ORDER

Pro se Plaintiff Kristopher Gonzalez brings this action under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Craig S. Denney, recommending dismissal of Gonzalez’s complaint and denial of his application to proceed *in forma pauperis* (“IFP Application”). (ECF No. 3.) Plaintiff had until June 21, 2022 to file an objection. To date, no objection to the R&R has been filed.¹ For this reason, and as explained below, the Court adopts the R&R and will adopt the Recommendation.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory

¹The R&R was returned as undeliverable. (ECF No. 4.) However, it is Gonzalez’s responsibility to file notification of any change of mailing address. See LR IA 3-1.

1 Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no
2 clear error on the face of the record in order to accept the recommendation”).

3 Because there is no objection, the Court need not conduct de novo review and is
4 satisfied Judge Denney did not clearly err. Here, Judge Denney recommends dismissal
5 of the claims in the proposed complaint without prejudice because they relate to
6 Gonzalez’s request for bail reduction and alleged ineffective assistance of counsel in his
7 state court criminal case, which are not properly brought under section 1983. (ECF No. 3
8 at 2.) The Court agrees with Judge Denney. Having reviewed the R&R and the record in
9 this case, the Court will adopt the R&R in full.

10 It is therefore ordered that Judge Denney’s Report and Recommendation (ECF
11 No. 3) is accepted and adopted in full.

12 It is further ordered that the Clerk of Court detach and file Plaintiff’s proposed
13 complaint (ECF No. 1-1).

14 It is further ordered that the complaint is dismissed without prejudice.

15 It is further ordered that Plaintiff’s IFP Application (ECF No. 1) is denied as moot.

16 The Clerk of Court is directed to close this case.

17 DATED THIS 26th Day of August 2022.

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20 MIRANDA M. DU
21 CHIEF UNITED STATES DISTRICT JUDGE
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